

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

CONAIR CORPORATION,

Plaintiff,

v.

De Bin Liu d/b/a Barberium's,

Defendant.

**CASE No. 21 cv 1663**

**The Hon. Sara L. Ellis**

**JURY TRIAL DEMANDED**

**INITIAL STATUS REPORT**

Pursuant this Court's July 12, 2021, Order (ECF No. 25), Plaintiff Conair Corporation provides the following report on the status of this case:

**1. The Nature of the Case:**

A.

Counsel for Plaintiff Conair Corporation	Counsel for Defendant De Bin Liu d/b/a Barberium's
Robert P. Greenspoon (Lead Trial Attorney) Michael R. La Porte Flachsbart & Greenspoon, LLC 333 N. Michigan Ave. Suite 2700 Chicago, IL 60602 (312) 551-9500	Depeng (Edward) Bi (Lead Trial Attorney) Law Offices of Konrad Sherinian, LLC 1755 Park Street - Suite # 200 Naperville, Illinois 60563  180 N. LaSalle - Suite #3700 Chicago, Illinois 60601 (630) 318-2606

Counsel for the Defendant has not yet filed an appearance.

B. This is an action for trademark and trade dress infringement. Currently, there are no counterclaims and/or third-party claims.

C. The primary issue in the case will be whether the Defendant's products infringe Plaintiff's trademark and trade dress.

D. Conair seeks monetary damages and equitable relief.

**2. Subject Matter Jurisdiction:** The Court has subject matter jurisdiction over the Plaintiff's claims because they arise under the laws of the United States, namely, the Lanham Act.

- A. The Lanham Act, 15 U.S.C. § 1125 *et seq.*
- B. Jurisdiction is not based on diversity or supplemental jurisdiction

**3. Status of Service:** Defendant De Bin Liu has been served. Subject to the notes below in No. 7, Conair states that no defendant remains unserved.

**4. Consent to Proceed Before a United States Magistrate Judge:** Counsel for the Plaintiff has advised its client that it may proceed before a Magistrate Judge if the parties consent unanimously. Counsel for the Defendant has not yet appeared. At this time, there is not unanimous consent.

**5. Motions:**

A. There are no currently pending motions. Conair anticipates filing a motion to extend the time by which the Defendant has to answer or otherwise plead based on a suggestion that it has mis-identified the Defendant. See further explanation below regarding settlement. Further, if the Defendant has been misidentified, Conair may need to file a motion to amend to substitute a John Doe defendant for the current defendant.

B. It is unknown whether the Defendant anticipates responding to the complaint by filing an Answer or by means of motion.

**6. Case Plan:**

Conair respectfully suggests that proposing a case plan is premature at this time for two reasons: first, that the Defendant has yet to appear in this matter; and second, it has been suggested by the Defendant that Conair has misidentified the John Doe originally named in the complaint.

**7. Status of Settlement Discussions:**

Since obtaining the identity of the Defendant based on phone information provided to the online hosting platform Shopify, it has been suggested that the party identified – De Bin Liu – is not the proper Defendant. The parties are in discussion in this regard and are hopeful that a resolution of this issue will be reached soon. The parties do not request a settlement conference at this time.

Dated: August 5, 2021

Respectfully submitted,

/s/ Michael La Porte

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**Attorneys for Plaintiff,  
Conair Corporation**

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record. Additionally, I served and/or attempted to serve copies of this report on Edward Bi at Edward Bi ebi@sherinianlaw.net

/s/ Michael La Porte

Michael R. La Porte